



Governor's Task Force  
on the Humane Treatment of Animals  
Thursday, October 12, 2006  
Meeting Minutes

Present: Mark Ellingwood, David Stowe, Lisa Hall, Dick Wentzell, Sheila Presby, Nancy Johnson, Jerilee Zezula, Michael Hughes, Susan Morrell, Virginia Hokenstrom, Stephanie Frommer, Joanne Bourbeau, Peter Marsh and Roni McCall

The September Meeting Minutes were approved with 2 amendments

**Old business:**

Jeri contacted the governor's office regarding the taskforce's function. Here are the responses to the questions posed on behalf of the Governor's Task Force on the Humane Treatment of Animals:

1. Does the Governor only want recommendations from us, or action? (The press releases are action!)

*Governor Lynch would like to see recommendations from the Task Force after the thorough analysis called for in the Executive Order. This could be done in the form of a report to the Governor, citing the facts, figures, etc. and then concluding with recommendations. Ongoing education by the Task Force on these issues is a natural fit.*

2. If we give the Governor recommendations for legislation or changes thereof, is the Task Force responsible for getting it started, does the Governor's Office run with it ...or should it fall to individual citizens or lobbying groups.

*Once the recommendations are made, the Governor's Office would work with the Task Force to determine the steps necessary to address the recommendations. Because there are legislators who are on the Task Force, it may make sense for the Task Force to take the lead on any legislative proposals that you would like the Governor to consider supporting.*

3. If we only provide recommendations, once we do that, is our mission complete?

*The Governor sees this as an ongoing effort. Once initial recommendations are made, the Task Force will track the implementation process and along the way, there are likely to be new recommendations that come forth.*

Mike Hughes suggested a quarterly report of what we have been working on not just the minutes. Asked that each subcommittee give a summary report.

Dr. Zezula asked "do the subcommittees need to shift to other projects? Do we want the same committee?" Particularly since the recodification subcommittee will not be making any recommendations for bills for the coming session.

### **Sub-committee reports:**

#### **Re-codification/Legislation Subcommittee Survey Results**

Joanne Bourbeau got a few more responses to the internal survey from August.

By summarizing the surveys, Joanne stated that the taskforce members seem to be in favor of supporting bills regarding:

Animal hoarding

Delinquency proceedings for juveniles

Protection from abuse orders

Holding periods for stray cats

And cross reporting

The basis for the delinquency proceedings for juvenile's stems from a case against a minor could not be changed to certify them as an adult to get them charged with a felony. All certification of a juvenile is decided case by case - if they can't be tried as an adult they go to the juvenile center until 21 or put on probation. Cruelty cases suggest some further criminal problems.

Juvenile justice system may be the better place to deal with getting the juvenile the help they need before it becomes a more horrendous crime.

Stephanie Frommer suggested that if a juvenile animal cruelty case goes to adult justice system - it more legitimizes the severity of the animal cruelty case

Other suggestions for possible animal cruelty legislation based on the surveys:

Looking at prioritizing the # OF ANIMALS who are victimized.

Mandatory spay/neuter for shelter animals

More concise definition for "torture"

Cat licensing/fees to go to the spay/neuter fund

TNR support for ferals

Sheltering and Tethering - is it covered under our current cruelty laws?

DOA has specific set of guidelines for animal shelters - give the DOA in NH the ability to have proper sheltering guidelines to enforce. Suggested David Stowe

Peter Marsh suggested the towns could put in an ordinance - Stoddard has an animal sheltering law now. Some other towns are putting ordinances in about tethering for resident safety.

Pet shop licensing law RSA 436 - administrative enforcement that has fines and penalties - not in 644:8 - horse shelter is in both RSA's

Susan Morrell gave us a summary of the responses from the prosecutor's surveys

1. All prosecutors were pretty limited with the experience they had with cruelty cases.
2. Need for prosecutor training
  - Domestic violence conference, possibly a first strike conference
    - perhaps such training could be in the late spring or towards the end of June might be the best time to offer such courses.
    - Police/Prosecutors training to include Bar Association might be a good idea to have a 1 day course = 6 hours CLE.

The prosecutor's foremost request was regarding dog shootings

- Example: dog shot by a neighbor, is animal cruelty, if the dog walks onto your property and isn't causing any harm is that also animal cruelty.
- RSA 644:8 I. include "or causes death of"
- More inclusive definition of cruelty "including but not limited to...."

The RSA states a person is guilty of a class B felony, who knowingly permits or causes any animal in his actual or constructive possession, custody or control to be subjected to cruelty. The prosecutors have a problem with proof, what is possession and the inconsistency of the statutes with other sections of criminal code.

Overwhelmingly all the prosecutors who responded to the survey are opposed to mandatory sentencing.

It was suggested that the taskforce be monitoring animal cruelty bills coming up for hearings in the 2007 session - this information might be obtained from Senator Roberge

### **Education Subcommittee:**

Maureen Prendergast could not attend the meeting today but she did send on an email with the following information:

I spoke to a woman named Lisa Kaim w/ the NH Department of Education. This is the animal person that was very enthusiastic about what we wanted to do for NH schools. I believe I mentioned her at the last meeting.

We have been talking about the framework that is available on the NH education websites. In her opinion, and it did make sense to me, we may be making too much work for ourselves to try to replicate the framework we find on the website. She suggested that each school has their own curriculums that they follow as well. That possibly what is posted on the site, may not be used. Some even have what is called a curriculum coordinator at their school. She thought that by targeting different towns and specific schools it may be an easier, and more effective way to get ourselves in the door. She also thought that if I approached the schools that I have already done presentations for, they may be willing to work with us to tell us what they would want to see for a lesson plan. This seemed a more clear approach. I would be interested in everyone's feedback.

As for the PSA's. I have completed the two so far, which I know both needed a current event story to bulk them up a bit. And so I have no new ones to offer at this time. I would be happy to get started on more though.

We had only assigned part of the original list of 12. If no one has started yet, I would be most interested in the Animal Fighting ones.

## **Funding Subcommittee**

The taskforce had a lively discussion on how to proceed with potential legislation especially around a dedicated fund.

Peter Marsh suggested we look into the "Dog Damages fund" as a potential funding source. The "dog damage bill is outmoded and at the end of the year the money is returned to the general funds perhaps the money could be directed to the dedicated fund?

Since dog owners are paying for municipal expenses now - shouldn't the money be used as an animal related expense since it is coming from dog licensing now.

~160,000 dogs licensed in NH - 1/3 of them not neutered 2/3<sup>rd</sup> pay less because they are spayed - how much of this goes to dog damage fund.

From the dog licensing fee's this is the breakdown

\$2.00 goes to spay neuter fund

50cents to the diagnostic fund

50cents to the town

The remainder of the licensing fee goes to the dog damage fund but at the end of the year is rolled into the general fund.

Virginia Hokenstrom believes that Litchfield takes in more fee money than they pay out. It is believed that some towns use the fee's to pay ACO's salary and not rolled over to the general fund as the statute is defines.

Massachusetts has a bond bill - sign over the animals now or be prosecuted. Perpetrator turns over the animals but still has to pay some of the costs for the care of the animals.

Maine has an animal welfare department - its funding is from a percentage of a feed tax money from pets as well as horses, licensing fee's - the dogs are licensed through the state rather than by the town, - no cats,

Dick Wentzell state he would like to see the dedicated fund bill go forward for the 2007 session. It would need to be ready for submission by 1/15/07.

Again the majority of the taskforce members in attendance felt that we are not ready to put such a bill forward only to have it defeated. Some discussion on what is known to be coming up in for bills in the next session is one regarding Representative Mike Asselin's proposal for a new school funding plan - he too is suggesting that money comes out of the Real Estates taxes as is the proposal of the funding subcommittee. Representatives Asselin's proposal has been announced many times on WMUR Channel 9 news in the past week.

Dick Wentzell also suggested that he would like to have the people he has talked to and are in support of the dedicated funding proposal from the subcommittee come and speak to this taskforce. Dick stated he has 14 people (including Senators, Prosecutors, Representatives and Town officials) that would approve this legislation if we were to submit for the January session.

The end result of the discussions is that we need to have more information before going forward with a dedicated funding bill. We need to know:

1. What is the cost to the shelter or rescue group?
2. What town/agencies involved, town departments, public works shelter, PD, ACO, Sheriff etc?
3. Where there prosecutorial costs?
4. Did the case go to prosecution or not?
5. What cases didn't get prosecuted because of the cost?
6. Specific dates, places, peoples names?
7. How many animals involved in the case?
8. What cases became a problem for those involved and why?
9. Frequency of occurrence - how many are repeat offenders?

It was further suggested that we ask for the information only on cases from the last 5 years.

Representative Johnson will work on compiling a questionnaire from this information listed above.

The 9 major shelters/humane societies should be contacted as they would have the most significant animal cruelty cases and know the costs/expenses. The questionnaire should also be sent to Equine rescues, farm bureau and perhaps Fish and Game as well and get the information from the state veterinarian's records. Dr. McGinnis handled a great deal of horse abuse cases over the years (before his retirement) that would give us an idea of the costs to those cases. That information should be in the state veterinarian's files.

Joanne Bourbeau will notify the NH humane federation at their 10/25 meeting that we are doing this.

Mark Ellingwood suggests we need the supporting data before we could go ahead with proposing this bill.

### **New Business:**

The taskforce was mentioned in Fosters Daily Democrat online on 9/14/06:

Panel fights animal abuse

to view it go to

<http://www.fosters.com/apps/pbcs.dll/article?AID=2006109180134>

Dr. Zezula stated that the current Warner case vs. constitutional rights is the topic in her 14 week course on Animal Cruelty: NH Laws, Investigations & Prosecutions at UNH

### **Website**

Humane.nh.gov will be the new name for this taskforces website Dr. Zezula will continue to be the liaison for this to the NH.gov website.

Joanne Bourbeau gave Dr. Zezula a videotape on the vicious dog's task force - Dr. Zezula is going to streamline it to go on the humane.nh.gov website.

Next Meeting on November 9, 2006 at 2pm in Room 307 LOB

Submitted by Roni McCall,

Through Their Eyes, The National Animal Abuse Registry